

**BOARD LETTER – SUMMARY SHEET
HEALTH AND MENTAL HEALTH SERVICES CLUSTER**

AGENDA REVIEW	January 20, 2016
BOARD MEETING	February 2, 2016
SUPERVISORIAL DISTRICT	All Supervisorial Districts
DEPARTMENT	Mental Health
SUBJECT	APPROVAL TO PROVIDE LEGAL REPRESENTATION FOR AN EMPLOYEE INVOLVED IN A MEDICAL BOARD OF CALIFORNIA (MBOC) INQUIRY (ALL SUPERVISORIAL DISTRICTS) (3 VOTES)
PROGRAM	Office of the Medical Director
DEADLINES	February 20, 2016
COST & FUNDING	<p>Funding for legal representation is included in the DMH Fiscal Year 2015-16 Final Adopted Budget and will be requested as a continuing appropriation in the future fiscal years as needed upon the approval of your Board.</p> <p>There is no increase in net County cost associated with the above recommendations.</p>
PURPOSE OF REQUEST	<p>Legal representation for an employee named as a defendant in a lawsuit against the County of Los Angeles is requested. Board approval is necessary to exercise the County's option, under the California Code 995.6, to provide for the legal defense for an administrative proceeding brought against an employee if the County determines that the employee acted in good faith and without malice in their assigned duties and in the apparent interest of the County.</p>
SUMMARY/ISSUES (Briefly summarize program and potential issues or concerns. Identify changes, if any, to level of funding or staffing; how funding will be utilized and why best use; prior accomplishments; and for BLs involving contracts, also note changes to the contract term.)	<p>A DMH employee was named as a defendant in a lawsuit against the County. The case has been settled but since the employee was a named defendant, they were reported to the MBOC. Investigation and discovery confirmed that the employee's actions were appropriate and within the standard of care. The employee received a letter from the MBOC requesting a written summary of the care provided, and the employee may be subject to further investigation by the MBOC. The inquiry from the MBOC was pursuant to their receipt of a report from the County as required by the California Business and Professions Code, Section 801.01. The employee in turn requested assistance from DMH in providing a response to the MBOC. Given that a significant portion of this investigation centers on issues related to direct patient care, the provision of legal representation during this review is appropriate since the employee was performing these duties within the scope of their employment with the County.</p>
DEPT. & COUNTY COUNSEL CONTACTS	<p>Roderick Shaner, M.D., DMH Medical Director, (213)738-4603 rshaner@dmh.lacounty.gov Grace Chang, County Counsel, (213) 974-1903 gchang@counsel.lacounty.gov</p>